

PATENT APPLICATION DOCKET NO.: 34650-00517USPT

## RULES 63 AND 67 (37 C.F.R. 1.63 and 1.67) DECLARATION AND POWER OF ATTORNEY

#### FOR UTILITY/DESIGN/CIP/PCT NATIONAL APPLICATIONS

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **TECHNIQUE FOR IMPROVING OPEN LOOP POWER CONTROL IN SPREAD SPECTRUM TELECOMMUNICATIONS SYSTEMS**, the specification of which: (mark only one)

|          | (a) | is attached hereto.   |
|----------|-----|---|
| <u>X</u> | (b) | was filed on June 4, 2001 as Application Serial No. 09/874579 and was |
|          |     | amended on (if applicable)  |
|          | (c) | was filed as PCT International Application No. PCT/ on and was        |
|          |     | amended on (if applicable).   |
|          | (d) | was filed on as Application Serial No and was issued a Notice of      |
|          |     | Allowance on  |
| _        | (e) | was filed on and bearing attorney docket number                       |
|          |     |   |

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above or as allowed as indicated above.

I acknowledge the duty to disclose all information known to me to be material to the patentability of this application as defined in 37 CFR § 1.56. If this is a continuation-in-part (CIP) application, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability of the application as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which my priority is claimed or, (2) if no priority is claimed, before the filing date of this application:

#### PRIOR FOREIGN PATENTS

Date first laid-

Date

Number

Country

Month/Day/Year Filed open or Published patented or Granted Priority Claimed
Yes No

NONE

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

#### PROVISIONAL APPLICATIONS

Application No. (series code/serial no.)

Month/Day/Year Filed

I hereby claim the benefit under 35 U.S.C. § 120/365 of any United States application(s) listed below and PCT international applications listed above or below:

#### PRIOR U.S. OR PCT APPLICATIONS

Application No. (series code/serial no.)

Month/Day/Year Filed

Status(pending, abandoned, patented)

**NONE** 

### I hereby appoint:

TIMOTHY G. ACKERMANN, Reg. No. BENJAMIN J. BAI, Reg. No. 43,481 JOSEPH M. BEAUCHAMP, Reg. No. MARY JO BOLDINGH, Reg. No. 34,713 MARGARET A. BOULWARE, Reg. No. DANIEL J. BURNHAM, Reg. No. 39,618 THOMAS L. CANTRELL, Reg. No. 20,849 RONALD B. COOLLEY, Reg. No. 27,187 THOMAS L. CRISMAN, Reg. No. 24,846 STUART D. DWORK, Reg. No. 31,103 WILLIAM F. ESSER, Reg. No. 38,053 ROGER J. FRENCH, Reg. No. 27,786 JANET M. GARETTO, Reg. No. 42,568 MARK GATSCHET, Reg. No. 42,569 JOHN C. GATZ, Reg. No. 41,774 RUSSELL J. GENET, Reg. No. 42,571 GERALD H. GLANZMAN, Reg. 25,035 LEKHA GOPALAKRISHNAN, Reg. No. 46,733

J. KEVIN GRAY, Reg. No. 37,141 KEITH P. GRAY, Reg. No. 46,738 STEVEN R. GREENFIELD, Reg. No. 38,166 JOSHUA A. GRISWOLD, Reg. No. 46,310 J. PAT HEPTIG, Reg. No. 40,643 SHARON A. ISRAEL, Reg. No. 41,867 JOHN R. KIRK JR., Reg. No. 24,477 PAUL R. KITCH, Reg. No. 38,206 TIMOTHY M. KOWALSKI, Reg. No. 44,192 JAMES F. LEA III, Reg. No. 41,143 HSIN-WEI LUANG, Reg. No. 44,213 ROBERT W. MASON, Reg. No. 42,848 ROGER L. MAXWELL, Reg. No. 31,855 LISA H. MEYERHOFF, Reg. No. 36,869 STANLEY R. MOORE, Reg. No. 26,958 RICHARD J. MOURA, Reg. No. 34,883 P. WESTON MUSSELMAN JR. Reg No. 31,644 RAMA B. NATH, Reg. No. 27,072 DANIEL G. NGUYEN, Reg. No. 42,933 MICHAEL K. NUTTER, Reg. No. 44,979

SPENCER C. PATTERSON, Reg. No. 43,849 RUSSELL N. RIPPAMONTI, Reg. No. 39,521 ROSS T. ROBINSON, Reg. No. 47,031 STEPHEN G. RUDISILL,, Reg. No. 20,087 HOLLY L. RUDNICK, Reg. No. 43,065 J.L. JENNIE SALAZAR, Reg. No. 45,065 KEITH W. SAUNDERS, Reg. No. 41,462 JERRY R. SELINGER, Reg. No. 26,582 JAMES O. SKARSTEN, Reg. No. 28,346 ZACHARY J. SMOLINSKI, Reg. No. 47,100 GARY B. SOLOMON, Reg. No. 44,347 STEVE Z. SZCZEPANSKI, Reg. No. 27,957 ANDRE M. SZUWALSKI, Reg. No. 35,701 ALAN R. THIELE, Reg. No. 30,694 TAMSEN VALOIR, Reg. No. 41,417 BRIAN D. WALKER, Reg. No. 37,751 GERALD T. WELCH, Reg. No. 30,332 HAROLD N. WELLS, Reg. No. 26,044 WILLIAM D. WIESE, Reg. No. 45,217

all of the firm of **JENKENS & GILCHRIST**, a **Professional Corporation**, 1445 Ross Avenue, Suite 3200, Dallas, Texas 75202-2799, as my attorneys and/or agents, with full power of substitution and

revocation, to prosecute this application, provisionals thereof, continuations, continuations-in-part, divisionals, appeals, reissues, substitutions, and extensions thereof and to transact all business in the United States Patent and Trademark Office connected therewith, to appoint any individuals under an associate power of attorney and to file and prosecute any international patent application filed thereon before any international authorities, and I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which first sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct them in writing to the contrary.

Please address all correspondence and direct all telephone calls to:

Spencer C. Patterson, Esq. Jenkens & Gilchrist, P.C. 1445 Ross Avenue, Suite 3200 Dallas, Texas 75202-2799 214/855-4177 214/855-4300 (fax)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

# NAMED INVENTOR(S)

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|   | Martin HELLMARK                        | Malu C Hellell       | Aug 17+4 |  |  |
|---|--|----------------------|----------|--|--|
| 1 | Full Name                              | Inventor's Signature | Date     |  |  |
|   | Mellanvångsvägen 17                    |                      |          |  |  |
|   | SE-223 55 LUND, Sweden                 |                      |          |  |  |
|   |  | Swed                 |          |  |  |
|   | Residence (city, state, country)       | Citizens             | ship     |  |  |
|   | Mellanvångsvägen 17                    |                      |          |  |  |
|   | SE-223 55 LUND, Sweden                 |                      |          |  |  |
|   | Post Office Address (include zip code) |                      |          |  |  |

(FOR ADDITIONAL INVENTORS, check here  $\underline{X}$  and add additional sheet for inventor information regarding signature, name, date, citizenship, residence and address)

| , | Kjell GUSTAFSSON                         | Gergal               | 2001 - Aug-21 |  |
|---|--|----------------------|---------------|--|
|   | Full Name                                | Inventor's Signature | Date          |  |
|   | Borgåslingan 2<br>SE-224 72 LUND, Sweden |                      |               |  |
| 2 | n d                                      |                      | edish         |  |
|   | Residence (city, state, country)         | Citize               | nship         |  |
|   | Borgåslingan 2                           |                      |               |  |
|   | SE-224 72 LUND, Sweden                   |                      |               |  |
|   | Post Office Address (include zip cod     | (e)                  |               |  |

Torgny PALENIUS

Full Name

Inventor's Signature

Svartörtsvägen 10
SE-246 50 LÖDDEKÖPINGE, Sweden

Swedish
Residence (city, state, country)

Svartörtsvägen 10
SE-246 50 LÖDDEKÖPINGE, Sweden

Post Office Address (include zip code)

Torsten CARLSSON

Full Name

Inventor's Signature

Viborgsslingan 46
SE-224 72 LUND, Sweden

Swedish
Residence (city, state, country)

Viborgsslingan 46
SE-224 72 LUND, Sweden

Post Office Address (include zip code)